

District Judge Daybook Entry

United States District Court - Southern District of West Virginia at Charleston

Date: 5/23/2013

Case Number 2:10-md-02187

Case Style: In Re: Bard vs.

Type of hearing Status Conference

Before the honorable: 2513-Goodwin

Court Reporter Teresa Harvey

Courtroom Deputy Robin Clark

Attorney(s) for the Plaintiff or Government Henry Garrard, Fred Thompson, Bryan Aylstock, Carl Frankovitch

Attorney(s) for the Defendant(s) Barbara Binis, Robert Adams and Christy Jones

Law Clerk Kate Fife

Probation Officer

Trial Time

Non-Trial Time

Pretrial conference (including settlement and telephone conferences).

Court Time

10:05 am to 11:35 am

Total Court Time: 1 Hours 30 Minutes Non-Trial Time/Uncontested Time

Courtroom Notes

Scheduled start time 10:00 a.m.

Actual start time 10:05 a.m.

STATUS CONFERENCE

Judge Goodwin and Magistrate Judge Eifert presiding

2:10-md-2187 In Re: C. R. Bard, Inc., Pelvic Repair Systems Products Liability Litigation

2:12-md-2325 In Re: American Medical Systems, Inc., Pelvic Repair System Product Liability Litigation

2:12-md-2326 In Re: Boston Scientific Corp. Pelvic Repair System Products Liability Litigation

2:12-md-2327 In Re: Ethicon, Inc. Pelvic Repair Systems Products Liability Litigation

2:12-md-2387 In Re: Coloplast Corp. Pelvic Support Systems Products Liability Litigation

Counsel for parties present

Coordinating Co-lead counsel for Plaintiffs - Bryan Aylstock, Henry Garrard, Fred Thompson

Co-lead counsel for Boston Scientific MDL 2326 - Clayton Clark and Aimee Wagstaff

Co-lead counsel for American Medical Systems MDL 2325 - Amy Eskin and Fidelma Fitzpatrick

Co-lead counsel for Ethicon MDL 2327 - Renee Baggett and Tom Cartmell

Co-Lead counsel for Coloplast MDL 2387 - Riley Burnett, Mark Mueller and Robert Salim

Plaintiffs executive committee: Bryan Aylstock, Henry Garrard, Fred Thompson, Tom Cartmell, Clayton Clark, Amy Eskin, Derek Potts and Aimee Wagstaff.

Plaintiffs Co-liaison counsel: Harry Bell, Paul Ferrell and Carl Frankovitch

Defendants

Lead counsel for C. R. Bard, Inc., MDL 2187 - Deb Moeller and Richard North

Lead counsel for American Medical Systems MDL 2325 - Barbara Binis

Lead counsel for Boston Scientific MDL 2326 - Jon Strongman

Lead counsel for Ethicon MDL 2327 - Christy Jones

Defendants Liaison counsel: Michael Bonasso, David Thomas and Michael Farrell. Mark Williams defendants liaison

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counsel in the Bard MDL.

Lead Counsel for Coloplast MDL 2387 - Lana K. Varney

Additional counsel present

Ron Kreps - Pltf, Coloplast

Lori Cohen, Defts Bard

Phil Combs, Defts counsel

Erik W. Legg, Defts counsel

Melissa Foster Bird, Counsel for Bard/Sofradim

Donna Brown Jacobs, Counsel for Ethicon/J&J

Tom Cartmell, Pltfs

Andrew Cross, Pltfs

Brad Stanley, Pltfs

Alan S. Lazar - Pltfs

Janet Kwuon - AMS

Rayna Kessler - Pltfs

Stephen McConnell - Deft, AMS

Jennifer Schuster - Deft, Cook

Martin Crump - Pltfs

Robert Cain - Pltfs

Matt Moriarty - Deft, Mentor

Josh Wages - Pltfs

Allison Van Laningham - Pltf, Bard

Tom Craig - Coloplast

Joshua Klarfeld - Proxy

Agenda:

Tolling agreement

Case management/Scheduling Orders for 2014 cases

Agenda Issues for MDL 2325 (American Medical Systems, Inc.)

Scheduling of hearing on bellwether picks

Agenda Issues for MDL 2327 (Ethicon, Inc.)

Ethicon/J&J Stipulation

Involvement of Plaintiffs' Members of the Steering Committee in State Court proceedings/coordination of discovery

Scheduling of hearing on bellwether picks

10:00 a.m. July 25, 2013

Agenda Issues for MDL 2326 (Boston Scientific Corporation)

Scheduling of hearing on bellwether picks

August 1, 2013 immediately following the 10:00 a.m. Status Conference

Agenda Issues for MDL 2387 (Coloplast)

Progress report on early case assessment program

Discussion regarding deadline for submission of docket control order

Show Cause Order/Dismissal of Certain Coloplast Entities

Upcoming deadlines reviewed

General & Specific MDL Issues - Judge Eifert

Agenda Issues for MDL 2326 (Boston Scientific Corporation)

Report on deposition and discovery progress

Agenda Issues for MDL 2325 (American Medical Systems, Inc.)

Parties are working on resolving matters

Judge Eifert will schedule a conference with counsel in 2 weeks. Parties are to contact Judge Eifert's office to schedule the conference.

Agenda Issues for MDL 2327 (Ethicon, Inc.)

Pending Motion to Compel

The parties are to contact Judge Eifert's chambers to schedule a proceeding

Deposition scheduling issues

Judge Eifert encourages the parties to contact chambers to schedule conferences if the parties need assistance in resolving scheduling issues.

Third party protective order

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Sales representative production issues

Identification of final version physician training materials and direct to consumer advertisements

Rule 30(b)(6) deposition status

The Defts in the three MDLs (AMS, Boston & Ethicon) will file a motion concerning the depositions. Motions are due June 3, 2013. Pltfs responses are due June 13, 2013 with Defts replies due June 17, 2013.

The next status conference is August 1, 2013 @ 10:00 am.

End time 11:35 a.m.